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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/031,138 | 05/02/2002 | Miyawaki Hiroshi | 967 022 | 8211 |
| 20874 | 7590 | 06/05/2007 | | |
| MARJAMA & BILINSKI LLP 250 SOUTH CLINTON STREET SUITE 300 SYRACUSE, NY 13202 | | | EXAMINER BASIT, ABDUL | |
| | | | ART UNIT 3694 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/031,138 | HIROSHI, MIYAWAKI | |
| | Examiner | Art Unit | |
| | Abdul Basit | 3694 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/2/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Wright (US Pub. No. 2001/0027449).

Regarding claim 1:

Wright teaches an Internet charging system in a system having an information terminal and a terminal server that provides Internet access service employing a public network to the information terminal, (see ¶ 10, 26-28) comprising:

On the terminal server side:

- a charging server for sequentially calculating an Internet usage fee which occurs according to Internet usage by an Internet user through the information terminal; (see ¶ 10)
- a charging database having a charging table required for calculating the Internet usage fee; (see ¶ 10) and
- a customer database having a customer table which includes information on a customer as the Internet user through the information terminal, (see ¶ 10) wherein,

- on the terminal server side, the charging table which includes information on an Internet access method, a method for displaying information for charging, and a charging method associated with Internet access is periodically transmitted to the information terminal, (see ¶ 26-28) and

On the information terminal side, the customer selects desired information from the information in the transmitted charging table. (see ¶ 9)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Han (US Pub. No. 2003/0069788).

Regarding claim 2:

An Internet charging system in a system having an information terminal and a terminal server that provides Internet access service employing a public network to the information terminal, (see ¶ 26-28) comprising:

On the terminal server side,

- a charging server for sequentially calculating an Internet usage fee which occurs according to Internet usage by an Internet user through the information terminal; (see ¶ 10)

- a charging database having a charging table required for calculating the Internet usage fee; (see ¶ 10)
- a customer database having a customer table which includes information on a customer as the Internet user through the information terminal; (see ¶ 10)

Wright also teaches that on the terminal server side, the charging table which includes information on an Internet access method, a method for displaying information for the charging, and a charging method associated with Internet access is periodically transmitted to the information terminal. (see ¶ 26-28)

On the information terminal side.

- Han, not Wright, teaches an advertisement data controller for controlling the size and a display time of an advertisement which is sent to the terminal server; (see ¶ 8-12)
- Han, not Wright, teaches an advertisement content server for retaining contents of the advertisement; a data traffic monitor server for monitoring data traffic of the Internet; and a usage state monitor server for monitoring a state of Internet usage by the customer. (see ¶ 8-12)
- Han, not Wright, teaches an advertisement distribution method, and the charging method associated with Internet access are changed according to the state of Internet usage by the customer and the result of the selection by the customer of the desired information in the charging table (see ¶ 8-12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wright with Han. Motivation to modify exists, because incorporating advertising with internet usage provides for an efficient method of marketing.

Regarding claim 3:

Wright teaches an Internet charging system as defined in Claim 1 or 2 comprising:
in the information terminal, an access program for accessing the Internet;

- A usage state monitor program for monitoring the state of Internet usage by the customer; (see ¶ 29, 33-38 and 46)
- An information terminal charging database having an information terminal charging table which includes information required for calculating the Internet usage fee; (see ¶ 29, 33-38 and 46) and
- An access setting database having an access table which includes information on plural providers such as phone numbers, ID numbers, passwords, thereby automatically changing a provider. (see ¶ 29, 33-38 and 46)

Regarding claim 4:

Wright teaches that the Internet charging system as defined in any of Claims 1 to 3 wherein the charging table has line usage fee information concerning a usage fee of the public network. (see ¶ 29)

Regarding claim 5:

Han, not Wright, teaches that the Internet charging system as defined in any of Claims 1 to 4 wherein the advertisement size information concerning a size of the advertisement displayed on the information terminal. (see ¶ 8-12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wright with Han. Motivation to modify exists, because incorporating advertising with internet usage provides for an efficient method of marketing.

Regarding claim 6:

Han, not Wright, teaches that Internet charging system as defined in any of Claims 1 to 5 wherein the charging system has advertisement number information concerning the number of advertisements displayed on the information terminal. (see ¶ 8-12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wright with Han. Motivation to modify exists, because incorporating advertising with internet usage provides for an efficient method of marketing.

Regarding claim 7:

Han, not Wright, teaches that the Internet charging system as defined in any of Claims 1 to 6 wherein the charging table has advertisement display time information concerning a display time of the advertisement displayed on the information terminal. (see ¶ 8-12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wright with Han. Motivation to modify exists, because incorporating advertising with internet usage provides for an efficient method of marketing.

Regarding claim 8:

Wright teaches that the Internet charging system as defined in any of Claims 1 to 7 whereto the charging table has usage time-zone information concerning a time zone in which the client uses the Internet. (see ¶ 26-28)

Regarding claim 9:

Wright teaches that the Internet charging system as defined in any of Claims 1 to 8 wherein the charging table has information on accumulated access time that is an accumulation of time for which the customer uses the Internet. (see ¶¶ 26-28)

Regarding claim 10:

Wright teaches that the Internet charging system as defined in any of Claims 1 to 9 wherein the charging table has data packet amount information concerning an amount of data packets utilized in the Internet. (see ¶¶ 26-28)

Regarding claim 11:

Wright teaches that the Internet charging system as defined in any of Claims 1 to 10 wherein the charging table has communication traffic state information concerning a communication traffic state in the public network. (see ¶¶ 26-28)

Regarding claim 12:

Wright teaches that the Internet charging system as defined in any of Claims 1 to 11 wherein the charging table has electric commerce deal amount/frequency information, which concerns a deal amount when the customer performs electronic commerce employing the Internet, and a frequency of performing the electronic commerce. (see ¶¶ 26-28)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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